

year ending August 31st, 1921, which appropriation is in lieu of the unexpended portion of the appropriation for such purpose for the fiscal year ending August 31st, 1920, and the fiscal year ending August 31st, 1921, as contained in Chapter 87 of the Acts of the Second Called Session of the Thirty-sixth Legislature, and the Commission is empowered to fix the salaries, compensation and expenses for the fiscal year ending August 31, 1920, in similar amounts and proportions to those fixed by this Called Session of the Legislature for the Commission for the fiscal year beginning September 1, 1920.

Sec. 2. The near approach of the end of the session, and the fact that the present laws are inadequate, creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and such rule is so suspended, and this Act shall take effect from and after its passage, and it is so enacted.

SIXTEENTH DAY.

Senate Chamber,
Austin, Texas,
Wednesday, June 9, 1920.

The Senate met at 10 o'clock, a. m. pursuant to adjournment, and was called to order by Lieutenant Governor W. A. Johnson.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Hall.
Bledsoe.	Hertzberg.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	McNealus.
Caldwell.	Page.
Clark.	Rector.
Cousins.	Smith.
Dayton.	Strickland.
Dean.	Westbrook.
Dorough.	Williford.
Dudley.	Witt.
Faust.	Woods.
Floyd.	

Absent.

Davidson. Suiter.

Absent—Excused.

Bailey.	Gibson.
Carlock.	Parr.

Prayer by the Chaplain, Rev. S. H. Morgan.

Pending the reading of the Jour-

nal of yesterday, the same was dispensed with on motion of Senator Faust.

Petitions and Memorials.

See Appendix.

Committee Reports.

See Appendix.

Bills and Resolutions.

The following bills were introduced:

By Senator Suiter:

S. B. No. 94, A bill to be entitled "An Act creating the LaFayette Independent School District at Camp and Upshur County, Texas, defining its boundaries, providing for a board of trustees in said district; conferring upon said district and its board of trustees all rights, powers, etc.; providing that the present board of trustees of the existing La Fayette Independent School District shall continue in office until the expiration of their respective terms and validating an election heretofore held and validating the bonds to be issued by virtue of such election; and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

Senator Parr:

S. B. No. 95, A bill to be entitled "An Act creating the Leeland Independent School District in Cameron County, Texas and defining its boundaries; providing for election and qualification of a board of trustees therefor; providing for the selection of a secretary, treasurer, assessor and collector of taxes and all other necessary officers and committees, and prescribing their qualifications, investing said district with all rights, etc.; and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Davidson:

S. B. No. 96, A bill to be entitled "An Act to amend Article 3875 of the Revised Civil Statutes of the State of Texas of 1911, so as to in-

crease the commissions of county treasurers of certain counties, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senators McNealus and Davidson:

S. B. No. 97, A bill to be entitled "An Act to amend Articles 3881, 3882, 3883, 3889, and 3903 of the Revised Civil Statutes of the State of Texas of 1911, as amended by the Thirty-third Legislature at its Regular Session, Chapters 121 and 142, and as amended by Chapter 58 of the Regular Session of the Thirty-fifth Legislature and as amended by Chapter 158 of the Regular Session of the Thirty-sixth Legislature; relating to the maximum amount of fees to be retained by district and county officers; the manner of accounting for excess fees and the payment of deficit amounts; the appointment and pay of deputies and assistants to the various district and county officers; prescribing the maximum salaries to be paid such deputies and assistants; providing for the appointment of two additional assistants by the district or county attorney in counties of 100,000 inhabitants; prescribing the maximum amount of salaries to be paid such additional assistants and the manner of such payment; providing for Seventy-five (\$75.00) dollars per month for necessary expense by such district and county attorney in counties of 100,000 inhabitants; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

House Bill No. 11.

The Chair laid before the Senate as special order

H. B. No. 11, A bill to be entitled "An Act defining pipe and gas lines engaged, or to engage, in the transportation, sale, purchase, use or distribution of natural gas, declaring all corporations, persons, partnerships, or associations of persons now engaged, or hereafter to engage in buying, selling, distributing, and transporting natural gas for profit in this State to be public utilities, and making them subject to the provisions of this act; excepting certain

companies from the provisions of this act; giving the Railroad Commission of Texas the power to fix and regulate the price of gas and the rates and charges by such public utilities for service; empowering said Commission to make rules and regulations for their conduct, and giving said Commission plenary power to make fair and equitable rules and regulations for enforcing the provisions of this Act; fixing penalties for violation of this Act, and rules and orders of the said Commission; making certain violations a criminal offense and fixing the penalty therefor, and providing means for the recovery of such penalties as are not made criminal, either by the State of Texas, or by the party aggrieved by such violation; naming the tribunal in which such recovery may be had, and providing for the recovery of excessive charges by patrons of such public utilities; providing for the equitable division of the proceeds of the sale of gas between transporting companies and distributing companies, and to apportion the supply of gas between places and persons and corporations; providing additional grounds for appointment of receivers; making this act cumulative, providing that the invalidity of any part of this act shall not invalidate the remaining parts hereof, and declaring an emergency."

Senator Buchanan of Scurry, sent up the following amendment:

Amend H. B. No. 11 by striking out all of Section No. 1 and by inserting in lieu thereof the following:

Section 1. The term "Gas Utility" and "Public Utility" or "Utility" as used in this Act means and includes persons, corporations and companies, their lessees, trustees, and receivers appointed by any court whatsoever, now or hereafter owning, managing, operating, leasing or controlling within this State any wells, pipe lines, plant, property, equipment, facility, franchise, license or permit for either one or more of the following kinds of business:

(1) (a) Producing or obtaining, transporting, conveying, distributing or delivering natural gas, for public use or service for compensation; (b) or for sale to municipalities of persons or companies, in those cases referred to in paragraph 3 hereof, engaged in distributing or selling natural gas to the public; (c) or for sale or delivery of natural gas to any

person or firm or corporation operating under franchise or a contract with any municipality or other legal subdivision of the State; (d) or for sale or delivery of natural gas to the public for domestic or other use.

(2) Owning, or operating or managing a pipe line for the transportation or carriage of natural gas, whether for public hire or not, if any part of the right of way for said line has been acquired or may hereafter be acquired by the exercise of the right of eminent domain; or if said line, or any part thereof is laid upon, over or under any public road or highway of this State, or street or alley of any municipality, or the right of way of any railroad or other public utility; including also any gas utility authorized by any law to exercise the right of eminent domain.

(3) The business of producing or purchasing natural gas and transporting or causing the same to be transported by pipe or lines to or near to the limits of any municipality in which said gas is received and distributed or sold to the public by another public utility or by said municipality, in all cases where such business is in fact the only or practically exclusive agency of supply of natural gas to such utility or municipality, is hereby declared to be a virtual monopoly and a business and calling affected with a public interest, and the said business and all property employed therein within this State are hereby subject to the provisions of this Act and to the jurisdiction and regulation of the Commission as a gas utility.

Every gas utility as defined in this Act is hereby declared to be affected with a public interest and subject to the jurisdiction, control and regulation of the Commission as provided in this Act, provided, that the rates and service of any gas utility plant, property, equipment or facilities owned or operated by a municipality shall not be subject to the jurisdiction, regulation or control of the Commission.

The amendment was read.

Senator Dorough sent up the following amendment to amendment No. 1 to House Bill No. 11:

Amend amendment No. 1 by changing the period to a comma after the last paragraph and add the following:

"Provided any gas utility serving

a locality which is practically one municipality, but divided into two municipalities by the boundary line between the State of Texas and another state shall be exempt from the provisions hereof."

The amendment to the amendment was read.

Senator Hopkins moved to table the amendment to the amendment. The yeas and nays were demanded and the motion to table prevailed by the following vote:

Yeas—14.

Buchanan of Bell.	Page.
Buchanan of Scurry	Parr.
Cousins.	Rector.
Dean.	Smith.
Dudley.	Westbrook.
Hertzberg.	Williford.
Hopkins.	Woods.
McNealus.	

Nays—11.

Caldwell.	Hall.
Clark.	Parr.
Dayton.	Strickland.
Dorough.	Suiter.
Faust.	Witt.
Floyd.	

Absent.

Bledsoe.	Davidson.
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Absent—Excused.

Bailey.	Carlock.
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Pairs Recorded.

Senator Alderdice (present) who would vote "yea"; Senator Gibson (absent) who would vote "nay."

Senator Caldwell sent up the following amendment to the amendment:

Amend pending amendment by adding after the word "utility" in last paragraph the word "or public utility or utilities."

The amendment was read.

Senator Buchanan of Scurry moved to table the amendment. The yeas and nays were demanded and the motion to table prevailed by the following vote:

Yeas—19.

Buchanan of Bell.	Floyd.
Buchanan of Scurry	Hall.
Cousins.	Hertzberg.
Dean.	Hopkins.
Dorough.	McNealus.
Dudley.	Page.

Rector.
Smith.
Westbrook.

Williford.
Witt.
Woods.

Nays—6.

Caldwell.
Clark.
Faust.

Farr.
Strickland.
Suiter.

Absent.

Bledsoe.

Dayton.

Absent—Excused.

Bailey.
Carlock.

Davidson.

Senator Davidson Excused.

On the request of Senator McNealus, Senator Davidson was excused for today.

House Bill No. 11.

Senator Caldwell sent up the following amendment to the amendment:

Amend pending amendment by adding thereto the following:

"And it is expressly provided that the jurisdiction of the Commission and the provisions of this Act shall apply to gas plants, the property and equipment of which is situated either in whole or in part within an incorporated city, town or village, and to local gas distributing companies, the property and equipment of which is situated either in whole or in part in any incorporated city, town or village in this State."

The amendment was read.

Senator Buchanan of Scurry moved to table the amendment. The yeas and nays were demanded and the motion to table prevailed by the following vote:

Yeas—19.

Alderdice.
Buchanan of Bell.
Buchanan of Scurry.
Cousins.
Dean.
Dorough.
Dudley.
Floyd.
Hall.
Hertzberg.

Hopkins.
McNealus.
Page.
Smith.
Strickland.
Suiter.
Westbrook.
Williford.
Woods.

Nays—7.

Caldwell.

Clark.

Dayton.
Faust.
Farr.

Rector.
Witt.

Absent.

Bledsoe.

Absent—Excused.

Bailey.
Carlock.

Davidson.
Gibson.

Senator Buchanan of Scurry moved the adoption of the amendment. The amendment was adopted.

Senator Buchanan of Scurry, sent up the following amendment:

Amend House Bill No. 11 by striking out the first sentence in Section No. 4, thereof down to the first period.

The amendment was read and adopted.

Senator Buchanan of Scurry sent up the following amendment:

Amend House Bill No. 11 by inserting after Section No. 5 thereof the following Sections, and by re-numbering the present original bill to correspond, to-wit:

Sec. 6. Nothing in this act shall restrict the rights of cities, towns and municipalities to control the use of their public streets and alleys; and nothing in this act shall be construed as taking away from the cities, towns or municipalities of this State any of their existing powers to regulate the rates, service, rules, regulations, and practices of public utilities operating in such cities, towns or municipalities. When a city government has ordered any existing rate reduced, the gas utility affected by such order may appeal to the Commission by filing with the Commission, on such terms and conditions as the Commission may direct, a petition and bond to review the decision, regulation, restriction, ordinance, or order of the city, town or municipality. Upon such appeal being taken the Commission shall set a hearing and may make such order or decision in regard to the matter involved in the determination, decision ordinance or order, of the city, town or municipality, as the Commission may deem just and reasonable. Whenever a public utility so appeals from the decision, restriction, ordinance or order of the city, or town or municipality, to the Commission, the Commission shall hear such appeal de novo and shall

treat the appeal or complaint as though it were an original complaint. Whenever any local distributing company or concern whose rates have been fixed or may hereafter be fixed by any municipal government desires a change of any of its rates, rentals or charges, it shall make its application to the municipal government of the city, town or municipality in which such utility is located and such municipal government shall determine said application, within sixty days after said application is presented to it, unless the determination thereof may be longer deferred by agreement between the municipality and the gas utility affected. If the municipal government should reject such application or fail or refuse to act on it within sixty days, then the utility may appeal to the Commission as herein provided but the rates fixed by such municipal government shall remain in full force and effect until ordered changed by the Commission.

Sec. 7. The pipe line expert provided for in Section 11 of the Act of February 20, 1917, being an Act for the regulation of oil pipe lines, shall likewise assist the Commission in the performance of its duties under this Act, under the direction of the Commission, under such rules and regulations as it may prescribe.

Sec. 8. The Commission shall have power to employ and appoint, from time to time, such experts, assistants, accountants, engineers, clerks and other persons as it shall deem necessary to enable it at all times to inspect and audit all records or receipts, disbursements, vouchers, prices, pay rolls, time cards, books and official records, to inspect all property and records of the utilities subject to the provisions hereof, and to perform such other service or services as may be directed by the Commission by the Commission or under its authority. Such persons and employes of the Commission shall be paid for the service rendered, such sums at such time and under such conditions as may be fixed and prescribed by the Commission, and such salaries, wages and fees shall be paid out of the moneys and funds as in this Act directed.

Sec. 9. Each witness who shall appear before the Commission or a Commissioner at a place outside the county of his residence, shall receive

for his attendance three (\$3.00) dollars per day and three cents per mile traveled by the nearest practicable route, in going to and returning from the place of meeting of said Commission or Commissioner which shall be ordered paid, upon the presentation of proper vouchers, sworn to by such witness and approved by the Commission or the Chairman thereof out of the moneys and funds arising under this Act, provided, that no witness shall be entitled to any witness fees of mileage who is directly or indirectly interested in any public utility involved in or concerning which, in any way, the investigation or hearing on account of which he is summoned, shall relate, or who is in any wise interested in any stock, bond, mortgages, security or earnings of any such utility, or who shall be the agent, attorney or employe of such utility, or any officer thereof, when summoned at the instance of such utility; and no witness furnished with free transportation shall receive pay for the distance he may have traveled on such free transportation.

Sec. 10. In case any witness shall fail or refuse to obey a subpoena by the Commission, or a Commissioner, the Commission or Commissioner may issue an attachment for such witness directed to any sheriff or any constable of the State of Texas, and compel him to attend before the Commission or any Commissioner thereof, and give his testimony upon such matters as may be lawfully required of him, and to bring with him and produce on examination such records, books, vouchers, memoranda, true copies thereof, prints and such other matter as may be required, if any, in such subpoena. Should a witness fail or refuse to attend on being summoned, or to answer any question propounded to him, or to produce any record or data required to be produced by such subpoena, the claim that any such testimony may tend to criminate the person giving it shall not excuse such witness from testifying or producing such records and data, but such evidence or testimony shall not be used against such person on the trial of any criminal proceeding. The sheriff or constable executing any process issued by the Commissioner thereof under the provisions of this Act shall receive such compensation as may be allowed by

the Commission not to exceed the fees prescribed by law for a similar service. For the purpose of enforcing this Act, and generally, the power and authority is hereby conferred upon the Commission to punish for contempt as courts of record under existing law.

Sec. 11. Except as in this section provided, every gas utility subject to the provision of this Act, on or before the first day of January, 1921, and quarterly thereafter, shall file with the Commission a statement, duly verified as true and correct by the President, Treasurer or General Manager, if a company or corporation or by the owner or one of them, if an individual or co-partnership, showing the gross receipts of such utility for the quarter next preceding or for such portion of said quarterly period as such utility may have been conducting any business, and at such time shall pay into the State Treasury at Austin, Texas, funds, a sum equal to one-fourth of one per cent of the gross income received from all business done by it within this State during said quarter, to be designated as the "Gas Utilities Fund". The gross receipts tax charge herein required to be paid, when paid, shall be allowed as an operating expense.

Sec. 12. The salary and expense of the "Expert" and of his assistants, if any, and the salaries, wages, fees, and expenses of every other person employed or appointed by the Commission under the provisions of this Act, and all other expenses, costs and charges, including witness fees and mileage fees and mileage, incurred by or under authority of the Commission, or a Commissioner, in administering and enforcing the provisions of this Act, or in exercising any power and authority hereunder, shall be paid from and out of the Gas Utilities Fund by the State Treasurer on warrant of the Comptroller of Public Accounts, on order or voucher approved by the Commission or the Chairman thereof. If the amount or total of such gross receipts charge collected shall not be sufficient, during any quarterly period, to pay such salaries, costs, charges, fees and expenses, then the deficit shall be paid by the State Treasurer out of the general revenue not otherwise appropriated, until sufficient funds have accrued to said Gas Utili-

ties Fund from payment of said gross receipt tax, said expenses shall be paid by the State Treasurer out of the general revenue not otherwise appropriated. Any surplus remaining in the Gas Utilities Fund, after paying all such salaries, costs, fees and charges after deducting such amount as may be contracted to be paid and incurred and such as may be reasonably estimated by the Commission for its use, shall be paid over to the General revenue funds.

Sec. 13. Every gas utility as defined in the Act shall have an office in one of the counties of this State in which its property or some part thereof is located and shall keep in the said office all books, accounts, papers, records, vouchers and receipts as shall be required by the Commission. No books, accounts, papers, records, receipts, vouchers or other data required by the Commission to be so kept shall be at any time removed from this State except upon such conditions as may be prescribed by the Commission.

Sec. 14. If any gas utility or other party at interest be dissatisfied with the decisions of any rate, classification, rule, charge, order, act or regulation adopted by the commission, such dissatisfied utility or party may file a petition setting forth the particular cause or causes of objection to such decision, act, rate, rule, charge, classification, or order, or to either or all of them, in a court of competent jurisdiction in Travis County, Texas, against said Commission as defendant. Said action shall have precedence over all other causes on the docket of a different nature, and shall be tried and determined as other civil causes in said court. Either party to said action may appeal to the appellate court having jurisdiction of said cause; and said appeal shall be at once returnable to said appellate court, at either of its terms; and said action so appealed shall have precedence in said appellate court of all causes of a different character therein pending; provided, that if the court be in session at the time such right of action accrues, the suit may be filed during such term and stand ready for trial after ten days' notice. In all trials under the foregoing article, the burden of proof shall rest upon the plaintiff, who must show by clear and satisfactory evidence that the

rates, regulations, orders, classifications, acts or charges complained of are unreasonable and unjust to it or them.

The amendment was read by sections.

Senator Dorough sent up the following amendment to Section 6 in amendment No. 3.

Amend Section 6 of amendment No. 3 by substituting for the first sentence thereof the following:

"Section 6. Nothing in this Act shall be construed as taking away from the cities, towns or municipalities of the State any of their existing powers to regulate the rates, service, rules, regulations and practices of gas utility operating in such cities, towns or municipalities, subject, however, to the provisions of this Act. However, any city, town or municipality by petition or complaint may at its option, instead of itself conducting hearings and fixing, correcting or regulating rates, charges, rentals, rules, regulations and practices, bring such matter or matters directly to the Commission for hearing and decision.

The substitute was read.

Senator Buchanan of Scurry moved to table the amendment.

The amendment to the amendment was tabled.

Senator Caldwell sent up the following amendment:

Amend pending amendment by adding to the end of Section 7, the following.

"and shall receive in addition to the compensation now fixed by law, not to exceed \$2,500.00 per annum, to be paid monthly out of the money and funds arising as hereinafter provided."

The amendment was read.

Senator Hopkins moved to table the amendment.

The motion to table prevailed.

Senator Woods' Point of Order.

Senator Woods made the point of order that the amendment No. 3, made the bill a revenue bill and that it could not originate in the Senate.

The Chair overruled the point of order.

Auditing Committee Report.

Senator Suiter received unanimous

consent to send up the report of the auditing committee.

See Appendix.

Senator Dean Excused.

Senator Dean was excused for this afternoon.

Bills Signed.

After their captions were read the Chair signed in the presence of the Senate, House Bill No. 22, House Bill No. 26, and House Bill No. 27.

Bills Introduced.

Unanimous consent was granted to send up the following bills:

By Senator Cousins:

S. B. No. 98, A bill to be entitled "An Act validating the charters and amendments to charters of all cities of more than 5,000 inhabitants in this State which have adopted charters, or attempted to adopt or amend charters since the 13th day of March, 1919, under Chapter 147, General Laws of the Regular Session of the Thirty-third Legislature of 1913, and validating all proceeding had by city councils or city commissions, or other governing authorities of such cities in regard to the adoption of charters or amendments to charters and conferring upon and delegating to said cities the powers enumerated in any such charters or amendments thereto, and declaring an emergency."

Read first time and referred to Committee on Town and City Corporations.

Recess.

On the motion of Senator McNealus, the Senate stood recess until 2:30 this afternoon.

Afternoon Session.

The Senate was called to order by Lieutenant Governor Johnson at 2:30 o'clock pursuant to recess.

House Bill No. 11.

Senator Hopkins sent up the fol-

lowing amendment to amendment No. 3:

Amend amendment No. 3 to House Bill No. 11 by striking out section 12 thereof and by renumbering the other sections to correspond.

Senator Buchanan of Scurry sent up the following substitute for the pending amendment to amendment No. 3:

Amend Section 12 of amendment No. 3 to House Bill No. 11 by adding at the end of said Section 12 the following:

Provided the expenses authorized in this section shall never exceed in any one calendar year the sum of \$20,000.00.

The substitute was read.

Senator Hopkins moved to table the substitute of Senator Buchanan of Scurry. The motion to table was lost.

The pending amendment was adopted.

On motion of Senator Buchanan of Scurry the substitute for the pending amendment was adopted.

On the motion of Senator Buchanan of Scurry the amendment to the amendment as substituted was adopted.

Senator Woods sent up the following amendment to amendment No. 3:

Amend Section 12 as set out in said Senate Amendment No. 3 as follows:

Add thereto after the period at its close, the following paragraph:

The Commission shall on December 1, 1920 and annually thereafter make a sufficiently full and comprehensive report to the Governor, which shall be by him transmitted to the next succeeding session of the Legislature of the State, showing in due and sufficient detail:

1. The proceedings of said Commission to such time with respect to the Gas Utilities defined herein.

2. The receipts in the "Gas Utilities Fund" from all sources, and indicating the different sources.

3. The expenditures made under and in accordance with this Act, the nature of such expenditures, and which shall also include in addition to other items of expenditures, the names, titles, nature of employment, salaries of and payments made to all persons employed for any purpose under the terms of this Act, with statement of traveling and other expenses incurred by each of said persons and approved by the Commission.

The amendment was read and adopted.

Senator Caldwell sent up the following amendment to amendment No. 3.

Amend pending amendment by adding after the end of Section 12 as printed following the words "revenue funds" the following: "at the end of such quarterly period."

The amendment was read and adopted.

Senator Caldwell sent up the following amendment to amendment No. 3:

Amend pending amendment by inserting after the words "Sec. 12," and before the words "The salary" the following:

"Each member of the Railroad Commission, in addition to the compensation now allowed by law, shall be paid the sum of \$3500 per annum, and"

Senator Buchanan of Scurry moved to table the amendment. The ayes and nays were demanded, and the motion to table prevailed by the following vote.

Yeas—16.

Alderdice.	McNealus.
Buchanan of Bell.	Page.
Buchanan of Scurry.	Smith.
Cousins.	Suiter.
Dorough.	Westbrook.
Dudley.	Williford.
Floyd.	Witt.
Hopkins.	Woods.

Nays—6.

Bledsoe.	Faust.
Caldwell.	Parr.
Dayton.	Rector.

Absent.

Hall.

Absent—Excused.

Bailey.	Davidson.
Carlock.	Gibson.

Pairs Recorded.

Senator Clark (present) who would vote "nay"; Senator Dean (absent) who would vote "yea."

Senator Strickland (present) who would vote "nay," with Senator Hertzberg (absent) who would vote "yea."

Senator Witt sent up the following amendment to amendment No. 3:

Amend pending amendment by inserting after words "Section 12" the following:

Each commissioner in addition to compensation now allowed by law shall receive one thousand dollars per

annum to be paid out of such fund and"

WITT.
BLED SOE,
CALDWELL.

Senator Buchanan of Scurry moved to table the amendment. The yeas and nays were demanded. The motion to table prevailed by the following vote:

Yeas—13.

Alderdice.	Hopkins.
Buchanan of Bell.	Page.
Buchanan of Scurry.	Smith.
Cousins.	Westbrook.
Dorough.	Williford.
Dudley.	Woods.
Floyd.	

Nays—9.

Bledsoe.	Parr.
Caldwell.	Rector.
Dayton.	Suiter.
Faust.	Witt.
McNealus.	

Absent.

Hall.

Absent—Excused.

Bailey.	Davidson.
Carlock.	Gibson.

Pairs Recorded.

Senator Clark (present) who would vote "nay"; Senator Dean (absent) who would vote "yea."

Senator Hertzberg (absent) who would vote "yea"; Senator Strickland (present) who would vote "nay."

Message from the Governor.

A messenger from the Governor presented himself at the bar of the Senate with the following executive message.

Austin, Texas,
June 9, 1920.

To the Thirty-sixth Legislature in Third Called Session:

Gentlemen: At the request of Representative Barret of Jones, I submit for your consideration the following subject, to wit:

"An Act to validate the charter and incorporation of the City of Anson, adopted by the qualified voters of said city since the enactment of Chapter 147, page 307, of the Acts of the Reg-

ular Session of the Thirty-third Legislature, and filed in the office of the Secretary of State, and declaring an emergency."

Respectfully submitted,
W. P. HOBBY,
Governor.

Austin, Texas,
June 9, 1920.

To the Thirty-sixth Legislature in Third Called Session.

Gentlemen: At the request of Senator Caldwell, I submit for your consideration the following subject, to wit:

"An Act to amend Section 12 and Section 16 of Senate Bill No. 51, Thirty-Sixth Legislature, second Session."

Respectfully submitted,
W. P. HOBBY,
Governor.

House Bill No. 11.

Senator Witt sent up the following amendment:

Amend Section 14, page 225 of the Senate Journal by striking out the words "Travis County, Texas," and inserting in lieu thereof the words "in the county where the controversy arises."

The amendment was read.

Senator Page moved to table the amendment.

The motion to table prevailed.

Senator Hopkins sent up the following amendment to amendment No. 3:

Amend Amendment No. 3 to House Bill No. 11, by striking out Section 8 thereof and by inserting in lieu thereof the following:

Section 8: The Commission shall have power to inspect and audit all records, receipts, disbursements, vouchers, prices, pay rolls, time cards, books, official records and property of the utilities subject to the provisions of this act and for such purpose may employ, from time to time, such experts, assistants, accountants, engineers, clerks and other persons as may be authorized by Legislative appropriations.

The amendment was read.

Senator Williford sent up the following substitute to the amendment

of Senator Hopkins to amendment No. 3:

Amend H. B. No. 11, Section 8, as same appears in Senate Journal of date June 7, 1920, page 224, by changing the period at the end of Section to a comma, and adding the following:

Provided, however, that the number of employees and appointees employed or appointed under this Act, and the sum or sums of money paid to them for their services, shall be subject to the approval of the Board of Control, and no employment or appointment hereinafter, shall be valid without such approval.

WILLIFORD.
McNEALUS.

The substitute was read.

Senator Hopkins moved to table the substitute and the ayes and nays were demanded, and the motion to table was lost by the following vote:

Yeas—2.

Floyd. Hopkins.

Nays—19.

Alderdice.	McNealus.
Bledsoe.	Page.
Buchanan of Bell.	Parr.
Buchanan of Scurry.	Rector.
Caldwell.	Smith.
Clark.	Westbrook.
Dayton.	Williford.
Dorough.	Witt.
Dudley.	Woods.
Faust.	

Present—Not Voting.

Cousins.

Absent.

Hall. Suiter.

Absent—Excused.

Bailey.	Dean.
Carlock.	Gibson.
Davidson.	

Pair Recorded.

Senator Strickland (present), who would vote "aye"; Senator Hertzberg (absent) who would vote "nay."

On motion of Senator McNealus the substitute was adopted.

On the motion of Senator McNealus the amendment to amendment No. 3, as substituted was adopted.

Senator McNealus sent up the following amendment to amendment No. 3:

Amend amended Section 6 by inserting after the word "provided" in the fifth line from the end of Section 6, on page 224 of the Senate Journal, the following:

"but said commission shall determine the matters involved in any such appeal within sixty days after the filing by such utility of such appeal with said Commission or such further time as such utility shall in writing agree to".

The amendment was read and adopted.

On the motion of Senator Buchanan of Scurry, amendment No. 3, as amended, was adopted.

Senator Buchanan of Scurry sent up the following amendment to H. B. No. 11:

Amend House Bill No. 11 by striking out the caption and inserting in lieu thereof the following:

H. B. No. 11. By Cox.

A Bill
to be entitled.

"An Act defining and declaring certain natural gas pipe lines and business public utilities as virtual monopolies and subjecting same to the power and jurisdiction of the Railroad Commission of Texas to regulate and to enact rules, regulations, orders and decisions for the government and conduct of the business of the same, and requiring of said utilities compliance with the same, and safe, sufficient, and adequate service; excepting from this Act plants owned by municipalities; requiring charges of said public utilities subject to this Act for their services or commodities to be just, reasonable, nondiscriminatory and adequate, and providing for the reimbursement of charges collected in excess of permitted or reasonable charges to persons entitled thereto; conferring on said commission power to prescribe methods of accounts, to require the filing of reports and schedules, to determine the rates charges, returns and practices of said utilities upon application or its own initiative, prohibiting discrimination in rates, charges or compensations received by said utilities with certain exceptions; providing for retaining control over distributing companies by the municipal governments of the various municipalities, but allowing the utility to appeal to the Commission in certain cases;

providing for judicial review of acts, orders, decisions of the said Commission and the conduct thereof and of appeals, and conferring jurisdiction on the District Courts, Court of Civil Appeals, and the Supreme Court in such cases; providing for the enforcement of the Commission's orders, rules, regulations, decisions and the provisions of this Act by mandamus, injunction, mandatory injunction, and receivership and penalties for the violation of same, and conferring jurisdiction on the District Courts and providing for appeals in such cases; requiring utilities subject to this Act to maintain offices and keep records within certain counties or municipalities, requiring said utilities and their officers, agents, and employees to obey the orders of the Commission and providing penalties for violation of same and for the enforcement thereof; requiring reports of annual income and levying a gross receipts tax on the incomes of said utilities, and authorizing the Commission to employ an expert and other assistants and directing the State Treasurer to make disbursements for the payment of salaries and expenses approved by the Commission; fixing fees of sheriffs and constables and witnesses and authorizing process to secure attendance of witnesses and requiring testimony and evidence to be produced; providing penalty for unlawful disclosures of information received by the Commission's employees; declaring the sections and clauses separable and the invalidity of one shall not invalidate the remaining; repealing Acts inconsistent herewith and declaring an emergency."

The amendment was read and adopted.

Senator Woods sent up the following amendment to House Bill No. 11:

Amend House Bill No. 11 by striking out of said bill Section No. 7 thereof and by re-numbering succeeding sections to correspond.

The amendment was read.

Senator Buchanan of Scurry, moved to table the amendment.

The yeas and nays were demanded and the motion to table was lost by the following vote:

Yeas—9.

Buchanan of Bell. Cousins.
Buchanan of Scurry. Dudley.

Hopkins. Westbrook.
Page. Williford.
Suiter.

Nays—11.

Alderdice. Floyd.
Bledsoe. McNealus.
Caldwell. Rector.
Dayton. Witt.
Dorough. Woods.
Faust.

Absent.

Hall. Smith.
Parr.

Absent—Excused.

Bailey. Davidson.
Carlock. Gibson.

(Pairs Recorded)

Senator Clark (present), who would vote "nay"; Senator Dean (absent) who would vote "yea".

Senator Strickland (present), who would vote "nay"; Senator Hertzberg (absent), who would vote "yea".

Senator Woods moved the adoption of the amendment.

The yeas and nays were demanded and the motion was lost by the following vote:

Yeas—9.

Alderdice. McNealus.
Caldwell. Parr.
Dorough. Witt.
Faust. Woods.
Floyd.

Nays—11.

Bledsoe. Hopkins.
Buchanan of Bell. Page.
Buchanan of Scurry. Suiter.
Cousins. Westbrook.
Dudley. Williford.

Present—Not Voting.

Dayton. Rector.

Absent.

Hall. Smith.

Absent—Excused.

Bailey. Davidson.
Carlock. Gibson.

(Pairs Recorded)

Senator Clark (present), who

would vote "yea"; Senator Dean (absent), who would vote "nay".

Senator Strickland (present), who would vote "yea"; Senator Hertzberg (absent), who would vote "nay".

Senator Caldwell sent up the following amendment to House Bill No. 11:

Amend Section 6 as re-numbered by striking out all after the words "such penalty" in line 17, page 6, printed bill.

The amendment was read.

Senator Buchanan of Scurry moved to table the amendment.

The yeas and nays were demanded and the motion to table prevailed by the following vote:

Yeas—12.

Alderdice.	Hopkins.
Buchanan of Bell.	Page.
Buchanan of Scurry.	Smith.
Cousins.	Westbrook.
Dudley.	Williford.
Floyd.	Woods.

Nays—7.

Bledsoe.	Parr.
Caldwell.	Rector.
Dorough.	Witt.
Faust.	

Present—Not Voting.

Dayton.	McNealus.
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Absent.

Hall.	Suiter.
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Absent—Excused.

Bailey.	Davidson.
Carlock.	Gibson.

(Pairs Recorded)

Senator Clark (present), who would vote "nay"; Senator Dean (absent), who would vote "yea".

Senator Strickland (present), who would vote "nay"; Senator Dean berg (absent), who would vote "yea".

Senator Caldwell sent up the following amendment to House Bill No. 11:

Amend House Bill No. 11 by adding Sections 3a, 3b and 3c as follows:

Sec. 3a. The Commission may establish a system of accounts to be used by gas utilities and may classify such utilities and prescribe a system of accounts for each class, and for each class of business they may be

engaged in. It shall be the duty of every gas utility to comply and conform with and to the orders and requirements of the Commission, as made from time to time, in respect thereto.

Sec. 3c. The Commission may require every gas utility engaged directly or indirectly in any other than a gas utility business or intrastate business, as defined by law, to keep separately in like manner and form the accounts of all such other business, and the Commission may provide for the examination and inspection of the books, accounts, papers and records of such other business, in so far as may be necessary to enforce any provision of this Act. The Commission shall have power to inquire as to and prescribe the apportionment of capitalization, earnings, debts and expenditures fairly and justly to be awarded to or borne by the ownership, operation, management or control of such gas utility and distinguished from such other business.

Sec. 3c. Every gas utility subject or that may hereafter be subject to the jurisdiction of the Commission hereunder, as and when required by the Commission, shall file with the Commission such annual or other general reports as the Commission may require, the filing of which reports shall be in lieu and stead of and shall satisfy the provisions of all other laws requiring the filing of reports whether with the Secretary of State or other State or county or municipal officers, showing the valuations of such properties, their assets, earnings and other like matters.

Senator Buchanan of Scurry moved to table the amendment.

The motion prevailed.

Senator McNealus moved to indefinitely postpone the bill.

The yeas and nays were demanded and the motion lost by the following vote:

Yeas—4.

Caldwell.	McNealus.
Faust.	Parr.

Nays—16.

Alderdice.	Dorough.
Bledsoe.	Dudley.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	Page.
Cousins.	Smith.
Dayton.	Strickland.

Westbrook. Witt.
Williford. Woods.

Absent.

Floyd. Rector.
Hall. Suiter.
Hertzberg.

Absent—Excused.

Bailey. Davidson.
Carlock. Gibson.

(Pair Recorded)

Senator Clark (present), who would vote "aye"; Senator Dean (absent), who would vote "nay".

Senator Strickland moved to recommit the bill to the Committee on Internal Improvements.

The yeas and nays were demanded and the motion failed by the following vote:

Yeas—6.

Caldwell. Parr.
Faust. Smith.
McNealus. Witt.

Nays—15.

Alderdice. Floyd.
Bledsoe. Hopkins.
Buchanan of Bell. Page.
Buchanan of Scurry. Suiter.
Cousins. Westbrook.
Dayton. Williford.
Dorough. Woods.
Dudley.

Absent.

Hall. Rector.

Absent—Excused.

Bailey. Davidson.
Carlock. Gibson.

(Pairs Recorded)

Senator Clark (present), who would vote "yea"; Senator Dean (absent), who would vote "nay".

Senator Strickland (present), who would vote "yea"; Senator Hertzberg (absent), who would vote "nay".

Senator Witt sent up the following amendment to House Bill No. 11:

Amend House Bill No. 11 by inserting after Section 5 at line 8, on page 6, of the printed bill, the following:

"Section 6. Any corporation heretofore or hereafter organized under the General Laws of this State for

the purpose of engaging in the oil and gas producing business, prospecting for, and producing oil and gas, owning and holding lands, leases and other property for said purposes; and owning or operating gas pipe lines in this State, may with the consent of a majority in the amount of its stockholders separately incorporate such gas pipe lines, by the organization of a pipe line corporation, and the sale and conveyance to it of such gas pipe lines of the organizing corporation. And in any case herein provided for, the organizing corporation may subscribe for and own the stock of the organized gas pipe line corporation without being precluded from engaging in the oil and gas business." And by numbering the succeeding sections to correspond.

The amendment was read.

The previous question was ordered on the amendment and the passage of the bill to its third reading.

The yeas and nays were demanded on the amendment, and the amendment lost by the following vote:

Yeas—4.

Caldwell. Parr.
Faust. Witt.

Nays—16.

Alderdice. Floyd.
Bledsoe. Hopkins.
Buchanan of Bell. Page.
Buchanan of Scurry. Smith.
Cousins. Suiter.
Dayton. Westbrook.
Dorough. Williford.
Dudley. Woods.

Present—Not Voting.

McNealus.

Absent.

Hall. Rector.

Absent—Excused.

Bailey. Davidson.
Carlock. Gibson.

(Pairs Recorded)

Senator Clark (present), who would vote "yea"; Senator Dean (absent), who would vote "nay".

Senator Strickland (present), who would vote "yea"; Senator Hertzberg (absent), who would vote "nay".

Senator Buchanan moved that the bill be passed to third reading.

The yeas and nays were demanded and the bill was passed by the following vote:

Yeas—15.

Alderdice.	Floyd.
Bledsoe.	Hopkins.
Buchanan of Bell.	Page.
Buchanan of Scurry.	Rector.
Cousins.	Smith.
Dayton.	Westbrook.
Dorough.	Williford.
Dudley.	

Nays—7.

Caldwell.	Suiter.
Faust.	Witt.
McNealus.	Woods.
Parr.	

Absent.

Hall.

Absent—Excused.

Bailey.	Davidson.
Carlock.	Gibson.

(Pairs Recorded)

Senator Clark (present), who would vote "nay"; Senator Hertzberg (absent), who would vote "yea".

Senator Strickland (present) who would vote "yea"; Senator Hertzberg (absent), who would vote "yea".

On the motion of Senator Buchanan of Scurry, the constitutional rule requiring bills to be read on three several days was suspended by the following vote:

Yeas—20.

Alderdice.	Floyd.
Bledsoe.	Hopkins.
Buchanan of Bell.	Page.
Buchanan of Scurry.	Parr.
Caldwell.	Rector.
Cousins.	Suiter.
Dayton.	Westbrook.
Dorough.	Williford.
Dudley.	Witt.
Faust.	Woods.

Nays—1.

McNealus.

Absent.

Hall. Smith.

Absent—Excused.

Bailey.	Davidson.
Carlock.	Gibson.

Pair Recorded.

Senator Clark (present), who would vote "nay"; Senator Dean, (absent), who would vote "aye"; Senator Strickland, (present) who would vote "nay"; Senator Hertzberg, (absent), who would vote "aye."

The bill was read the third time and finally passed by a viva voce vote.

Senate Bill No. 68.

The Chair laid before the Senate as special order

S. B. No. 66, A bill to be entitled "An Act declaring the pink bollworm (*pectinophora gossypiella*) a pest and its eradication and destruction a public necessity, and providing a method by which pests may be eradicated, destroyed and prevented from spreading; authorizing the Commissioner of Agriculture to appoint pink bollworm inspectors to inspect fields of the State, defining their rights and duties and setting forth in detail the method and manner of inspection, defining the duties of the Commissioner of Agriculture, county judges and other State officers with reference thereto; providing for the creation of a Pink Bollworm Commission and defining its duties; prescribing certain duties for the Governor under this Act and authorizing him to proclaim a quarantine of lands and premises infested by the pink bollworm and authorizing the Governor to proclaim a limited quarantine zone; also an emergency quarantine; designing the purposes of each of such quarantines and authorizing the Governor to order the destruction of cotton and cotton products in infected fields and fully defining the method by which each of the aforesaid quarantines is to be brought about and the method by which cotton products in infested fields are to be destroyed; defining and setting forth the court proceedings with reference to the same; creating a Board of Appraisers and defining their duties; conferring authority upon county judges and county and districts courts with reference to the valuation and damage of property to be destroyed; declaring when and how the Commissioner of Agriculture shall be authorized to destroy property from infested fields; continuing the regulated quarantine zone now in existence under Chapter 41, General Laws of the Regular Session of the Thirty-sixth Legislature;

declaring that cotton cannot be grown in regulated quarantine zones established by the Governor except with compliance with this act, and defining a clean up necessary to comply with this act, and conferring certain authority with reference thereto on the Commissioner of Agriculture; conferring authority upon the Commissioner of Agriculture to recommend the prohibiting of the growing of cotton in an infested field, and conferring certain authority upon the Government with reference thereto and providing a method of compensating the owner; defining the terms and conditions upon which cotton and cotton products originating in any regulated quarantine zone may be shipped therefrom and conferring certain authority upon the Commissioner of Agriculture with reference thereto; defining what may be done with cotton and cotton seed grown in a regulated quarantine zone; conferring authority upon the University of Texas, and the Agricultural and Mechanical College of Texas, to institute and continue a system of experiments for the purpose of developing a practical method for the extermination of the pink bollworm and all insect pests which affect agricultural products; creating offenses for the violation of this Act and prescribing a punishment therefor; making an appropriation for the purposes of this Act; defining certain duties for the Governor, Commissioner of Agriculture, county judges of the State and the Attorney General, and conferring certain authority and jurisdiction upon the county and district courts to be exercised in the enforcement of the act; repealing all laws and parts of laws in conflict herewith; providing if the courts declare any provisions, etc., of this act unconstitutional, illegal or inoperative, it shall not affect remaining provisions etc., of this bill, and declaring an emergency."

Adjournment.

On the motion of Senator Page, the Senate stood adjourned until 10 o'clock tomorrow morning.

APPENDIX.

Senator McNealus sent up and had read a telegram which was referred to the Committee on Military Affairs. Senator McNealus sent up a tele-

gram favoring the pink bollworm legislation which was referred to the Committee on Agricultural Affairs.

Senator Smith sent up a letter from the State Department of Agriculture.

Senators Rector and Clark sent up petitions and had them referred to the Educational Committee.

Engrossing Committee Reports.

Committee Room,

Austin, Texas, June 8, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 77 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,

Austin, Texas, June 9, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 79 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,

Austin, Texas, June 9, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 82 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,

Austin, Texas, June 9, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 81 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,

Austin, Texas, June 9, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 84 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room.

Austin, Texas, June 9, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 80 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,

Austin, Texas, June 9, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 85 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Enrolling Committee Reports.

Committee Room,

Austin, Texas, June 9, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Enrolled Bills to whom was referred Senate Concurrent Resolution No. 2 have carefully compared same and find it correctly enrolled, and have this day at 11:40 o'clock a. m. presented same to the Governor for his approval.

SMITH, Chairman.

By Parr.

S. C. R. No. 2.

Senate Concurrent Resolution granting leave of absence from the State to the Honorable Covey C. Thomas.

Whereas, the Honorable Covey C. Thomas, Judge of the Eight-first Judicial District of Texas, desires and has requested a leave of absence from the State during the month of July or the month of August of the year 1920, now.

Therefore be it Resolved by the Senate, the House of Representatives concurring, that the said Honorable Covey C. Thomas, Judge of the Eighty-first Judicial District of Texas, be and he is hereby granted a leave of absence from the State of Texas during the months of July and August, year 1920.

Auditing Committee Report.

Committee Room,

Austin, Texas, June 8, 1920.

To the Hon. W. A. Johnson, President of the Senate, and the Hon. R. E. Thomason, Speaker of the House:

We, your committees appointed under a Senate Simple Resolution and House Simple Resolution, for the pur-

pose of employing auditors to have the State Treasury Department audited, beg leave to report as follows:

While the House and Senate appointed separate committees for the same purpose, it was the sense of each committee that it would be more economical and would be calculated to prevent confusion to act together as a joint committee. We therefore organized by electing W. D. Suiter chairman of the joint committee, M. L. Wigginton, vice chairman and H. B. Smith, secretary.

Your committee then employed as auditors to audit the State Treasury Department, the Rankin Auditing Company of Houston, they being the lowest bidders for said work, and entered into contract with said auditors, which contract provided that they should audit said Treasury Department and should especially inquire into the methods and systems of accounting and should make such recommendations as in their judgment would better the system of accounting; and we herewith file the audit made by said Rankin Auditing Company together with their statement of the various accounts of said department and the recommendations made by said auditing company.

We especially call attention to the following:

There had been no audit of said Treasury Department since August 31, 1908, and your committee decided to have the audit made from that date to April 1, 1919, the day on which the present audit began. That during the time from August 31st, 1908, to April 1st, 1919, the amount received and paid out by said Treasury Department amounted to the enormous sum of \$186,748,479.99. That said amount was paid out on warrants for various amounts and numbering in the aggregate more than one million warrants. The audit shows all warrants outstanding, amounting in the aggregate to more than \$100,000.00, the number, date and amount of each outstanding warrant being given. Because of the great length of time since the last audit, and the enormous amount received and paid out during said time, to audit carefully, accurately and completely called for a great deal of close and tedious work and consumed much more time than would have been necessary, if said audit had not been so long delayed.

We specifically recommend that the Treasury Department be audited

by an auditor under the direction of the Board of Control, and that said Board of Control adopt such regulations as will require their auditor to check the receipts and pay-outs and cash balance of the Treasury Department each day, if practicable, and if not practicable, then to audit as often as practicable to make a general audit and statement annually.

We also recommend that the method of accounting in the Treasury Department be so changed as to keep an accurate check on the said department of each day's business, and especially do we recommend that a daily register of warrants paid showing date, number, amount of each warrant and to whom paid, be kept by the State Treasurer,

We find that under the present law regulating the bank guaranty fund, the Treasurer is required to keep the actual money received by him for said fund in the vault of the Treasury Department subject to be paid out only in case of failure of any State bank operating under the guaranty plan, and that there is now in the hands of the Treasurer the sum of \$574, 474.16 which if loaned at the prevailing rate of interest for loans of State funds which are now loaned to the State depositories, would bring to that fund approximately \$25,000.00 per annum, and if said fund had been so loaned since said fund was created, the interest on said fund would have partly taken care of the losses sustained because of the amounts which have been drawn from said guaranty fund by reason of bank failures. We recommend that the law be so changed as to authorize the State Treasurer to loan this fund in the same manner as State funds are now loaned, and subject to check at any time there may be demand for the same, and that the interest accruing from such loans be credited to said bank guaranty fund.

The audit herewith filed shows some discrepancies in various accounts, none of which are very large, and from a thorough investigation of such discrepancies, we are of the opinion that they are caused from the system of keeping accounts and not from any actual shortage.

We especially commend our present State Treasurer, John W. Baker, and his employes as well as the

other State officers upon whom we have had to call, for their courtesy in assisting this committee and the auditors in making a thorough audit of the Department.

Most respectfully submitted,

SUITER,
DEAN,
CLARK,
Senate Committee.
BIGGS,
SMITH,
House Committee.

Committee Reports.

Committee Room,
Austin, Texas, June 9, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred House Bill No. 132, have had same under consideration and I am directed to report it favorably, with the recommendation that it do pass and be not printed.

ALDERDICE, Chairman.

Committee Room,
Austin, Texas, June 9, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred House Bill No. 122, have had same under consideration and I am directed to report it favorably, with the recommendation that it do pass and be not printed.

ALDERDICE, Chairman.

Committee Room,
Austin, Texas, June 9, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred House Bill No. 146, have had same under consideration and I am directed to report it favorably, with the recommendation that it do pass and be not printed.

ALDERDICE, Chairman.

Committee Room,
Austin, Texas, June 9, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred House Bill No. 163, have had same under consideration and I am directed to report it favorably, with the recom-

mendation that it do pass and be not printed.

ALDERDICE, Chairman.

Committee Room,
Austin, Texas, June 9, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred House Bill No. 166, have had same under consideration and I am directed to report it favorably, with the recommendation that it do pass and be not printed.

ALDERDICE, Chairman.

Committee Room,
Austin, Texas, June 9, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred House Bill No. 121, have had same under consideration and I am directed to report it favorably, with the recommendation that it do pass and be not printed.

ALDERDICE, Chairman.

Committee Room,
Austin, Texas, June 9, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred House Bill No. 115, have had same under consideration and I am directed to report it favorably, with the recommendation that it do pass and be not printed.

ALDERDICE, Chairman.

Committee Room,
Austin, Texas, June 9, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred House Bill No. 156, have had same under consideration and I am directed to report it favorably, with the recommendation that it do pass and be not printed.

ALDERDICE, Chairman.

Committee Room,
Austin, Texas, June 9, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred House Bill No. 124, have had same under consideration and I am directed to report it favorably, with the recom-

mendation that it do pass and be not printed.

ALDERDICE, Chairman.

Committee Room,
Austin, Texas, June 9, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred House Bill No. 150, have had same under consideration and I am directed to report it favorably, with the recommendation that it do pass and be not printed.

ALDERDICE, Chairman.

Committee Room,
Austin, Texas, June 9, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred House Bill No. 138, have had same under consideration and I am directed to report it favorably, with the recommendation that it do pass and be not printed.

ALDERDICE, Chairman.

Committee Room,
Austin, Texas, June 9, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: We your Committee on Education to whom was referred Senate Bill No. 89, have had same under consideration and I am directed to report it favorably, with the recommendation that it do pass and be not printed.

ALDERDICE, Chairman.

Committee Room,
Austin, Texas, June 8, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Education to whom was referred House Bill No. 81, have had same under consideration and I am directed to report it favorably, with the recommendation that it do pass and be not printed.

ALDERDICE, Chairman.

Committee Room,
Austin, Texas, June 8, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Education to whom was referred House Bill No. 62, have had same under consideration and I am directed to report it favorably, with the recom-

mendation that it do pass and be not printed.

ALDERDICE, Chairman.

Committee Room,
Austin, Texas, June 8, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Education to whom was referred House Bill No. 95, have had same under consideration and I am directed to report it favorably, with the recommendation that it do pass and be not printed.

ALDERDICE, Chairman.

Committee Room,
Austin, Texas, June 8, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Education to whom was referred House Bill No. 70, have had same under consideration and I am directed to report it favorably, with the recommendation that it do pass and be not printed.

ALDERDICE, Chairman.

Committee Room,
Austin, Texas, June 8, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Education to whom was referred House Bill No. 109, have had same under consideration and I am directed to report it favorably, with the recommendation that it do pass and be not printed.

ALDERDICE, Chairman.

Committee Room,
Austin, Texas, June 8, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Education to whom was referred House Bill No. 84, have had same under consideration and I am directed to report it favorably, with the recommendation that it do pass and be not printed.

ALDERDICE, Chairman.

Committee Room,
Austin, Texas, June 8, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Education to whom was referred House Bill No. 80, have had same under consideration and I am directed to report it favorably, with the recom-

mendation that it do pass and be not printed.

ALDERDICE, Chairman.

Committee Room,
Austin, Texas, June 8, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Education to whom was referred House Bill No. 113, have had same under consideration and I am directed to report it favorably, with the recommendation that it do pass and be not printed.

ALDERDICE, Chairman.

Committee Room,
Austin, Texas, June 8, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Education to whom was referred House Bill No. 111, have had same under consideration and I am directed to report it favorably, with the recommendation that it do pass and be not printed.

ALDERDICE, Chairman.

Committee Room,
Austin, Texas, June 8, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Education to whom was referred House Bill No. 76, have had same under consideration and I am directed to report it favorably, with the recommendation that it do pass and be not printed.

ALDERDICE, Chairman.

Committee Room,
Austin, Texas, June 8, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Education to whom was referred House Bill No. 87, have had same under consideration and I am directed to report it favorably, with the recommendation that it do pass and be not printed.

ALDERDICE, Chairman.

Committee Room,
Austin, Texas, June 8, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Education to whom was referred House Bill No. 85, have had same under consideration and I am directed to report it favorably, with the recom-

mendation that it do pass and be not printed.

ALDERDICE, Chairman.

Committee Room,

Austin, Texas, June 8, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Education to whom was referred House Bill No. 77, have had same under consideration and I am directed to report it favorably, with the recommendation that it do pass and be not printed.

ALDERDICE, Chairman.

Committee Room,

Austin, Texas, June 8, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Education to whom was referred House Bill No. 86, have had same under consideration and I am directed to report it favorably, with the recommendation that it do pass and be not printed.

ALDERDICE, Chairman.

Committee Room,

Austin, Texas, June 8, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Education to whom was referred House Bill No. 99, have had same under consideration and I am directed to report it favorably, with the recommendation that it do pass and be not printed.

ALDERDICE, Chairman.

Committee Room,

Austin, Texas, June 8, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Education to whom was referred House Bill No. 139, have had same under consideration and I am directed to report it favorably, with the recommendation that it do pass and be not printed.

ALDERDICE, Chairman.

Committee Room,

Austin, Texas, June 8, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Education to whom was referred House Bill No. 75, have had same under consideration and I am directed to report it favorably, with the recom-

mendation that it do pass and be not printed.

ALDERDICE, Chairman.

Committee Room,

Austin, Texas, June 8, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Education to whom was referred House Bill No. 67, have had same under consideration and I am directed to report it favorably, with the recommendation that it do pass and be not printed.

ALDERDICE, Chairman.

Committee Room,

Austin, Texas, June 9, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Education to whom was referred House Bill No. 137, have had same under consideration and I am directed to report it favorably, with the recommendation that it do pass and be not printed.

ALDERDICE, Chairman.

Committee Room,

Austin, Texas, June 9, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Education to whom was referred House Bill No. 123, have had same under consideration and I am directed to report it favorably, with the recommendation that it do pass and be not printed.

ALDERDICE, Chairman.

Committee Room,

Austin, Texas, June 9, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Education to whom was referred House Bill No. 120, have had same under consideration and I am directed to report it favorably, with the recommendation that it do pass and be not printed.

ALDERDICE, Chairman.

Committee Room,

Austin, Texas, June 9, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred Senate Bill No. 93, have had same under consideration and I am directed to report it favorably, with the recom-

mendation that it do pass and be not printed.

ALDERDICE, Chairman.

Committee Room,

Austin, Texas, June 9, 1920.

Hon. W. A. Johnson, President of The Senate.

Sir: We, your Committee on Finance, to whom was referred Senate Bill No. 71, have had the same under consideration, and beg leave to report same back to the Senate, with the recommendation that it do pass, with the following amendments, and be not printed, but printed in the Journal only:

Amend the bill by striking out Section 3, page 6, pertaining to the Adjutant General's Department.

Amend the bill by striking out Section 7, page 4, pertaining to the Game Fish and Oyster Commission.

Amend the bill by striking out the \$1,500.00 item in Section 4, page 4, pertaining to the Department of Agriculture.

Amend the bill by inserting the following under Section 3, page 5.

"The Attorney General is authorized to increase the salary of his special agent, to three thousand dollars per annum, and that of his stenographers to one hundred and twenty-five dollars per month, and

pay the increase over the general appropriation bill out of this appropriation."

Amend the bill by inserting under Section 1, page 5, pertaining to the Industrial Accident Board, the following:

Additional Help for Industrial Accident Board.

	Year 1920.	Year 1921
Adjuster.	\$450.00	\$1,800.00
Stenographer. . . .	375.00	1,500.00
One Clerk.	324.99	1,300.00

Request for authority to pay out of a fund which has been deposited in the State Treasury under the provision of Section 9, part 2, of the Employers' Liability Act, the sum of \$31.42, to pay for certified work.

Amend the bill by inserting the following, Section 3, page 3: "To purchase an engine and the installation of same at the Tuberculosis Sanatorium, present fiscal year, \$25,000.00"; by inserting the following: "Additional traveling expense for Marketing agents, none of which shall be used for traveling outside of the State of Texas, balance present fiscal year, \$1,500.00; Additional for stationery, printing and publishing for the balance present fiscal year, \$800.00."

WESTBROOK, Chairman.

Following is the bill in full:

By Westbrook, Buchanan of Bell.

S. B. No. 71.

A BILL

to be entitled.

An Act to make certain emergency appropriations out of the general revenues for the several institutions and departments of the State Government for the fiscal years ending August 31st, 1920, and August 31st, 1921, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the following sums of money be and the same are herein appropriated out of any funds in the State Treasury not otherwise appropriated to cover emergencies for the purposes herein named for the several institutions and departments of the State Government for the fiscal years ending August 31st, 1920, and August 31st, 1921, which appropriations shall be in addition to appropriations which may have been heretofore made.

Southwestern Insane Asylum:

For the Fiscal Year Ending
Aug. 31, 1920 Aug. 31, 1921

Support and Maintenance not otherwise provided
for herein, provided none of this amount shall
be used for the purchase of automobiles or for
salaries. \$ 50,000.00

State Lunatic Asylum:

Support and Maintenance not otherwise provided
for herein, provided none of this amount shall
be used for the purchase of automobiles or for
salaries. \$ 75,000.00

	For the Fiscal Year Ending	
	Aug. 31, 1920	Aug. 31, 1921
For repairs.	3,500.00	
North Texas Hospital for the Insane:		
Support and Maintenance not otherwise provided for herein, provided none of this amount shall be used for the purchase of automobiles or for salaries.	\$ 75,000.00	
East Texas Hospital for the Insane:		
Support and Maintenance not otherwise provided for herein, provided none of this amount shall be used for the purchase of automobiles or for salaries.	\$ 10,000.00	
Deaf and Dumb and Blind Institute (Colored):		
Support and Maintenance not otherwise provided for herein, provided none of this amount shall be used for the purchase of automobiles or for salaries.	\$ 2,000.00	
Repairs and improvements.	500.00	
Stationery, postage and printing.	50.00	
Additional salary for storekeeper and accountant	120.00	\$ 480.00
Confederate Womans Home:		
For repairs.	\$ 1,336.00	
Girls Training School:		
To complete dormitory.	\$ 625.00	
To complete laundry.	575.00	
To complete greenhouse.	410.00	
For repairs.	2,100.00	
State Epileptic Colony:		
Support and Maintenance not otherwise provided for herein, provided none of this amount shall be used for the purchase of automobiles or for salaries.	\$ 25,000.00	
Dry goods and clothing.	2,500.00	
To rebuild and equip laundry to be complete..	50,000.00	
To supplement appropriation of \$2,500.00 heretofore made to build and equip cow shed....	1,000.00	
State Juvenile Training School:		
Support and Maintenance not otherwise provided for herein, provided none of this amount shall be used for the purchase of automobiles or for salaries.	\$ 30,000.00	
For repairs.	2,500.00	
State Orphans Home:		
Support and Maintenance not otherwise provided for herein, provided none of this amount shall be used for the purchase of automobiles or for salaries.	\$ 15,000.00	
Fuel.	2,900.00	
Mattresses and dormitory supplies.	1,500.00	
To purchase additional dairy cows.	2,000.00	
To supplement salaries of seven ward matrons \$15.00 per month each.	315.00	\$ 1,260.00
To supplement salary of head matron at \$30.00 per month.	90.00	360.00
Deaf and Dumb Institute:		
Support and Maintenance not otherwise provided		

For the Fiscal Year Ending
Aug. 31, 1920 Aug. 31, 1921

for herein, provided none of this amount shall be used for the purchase of automobiles or for salaries.	\$ 12,000.00	
For general repairs and for remodeling gymnasium building into school rooms.	25,000.00	
Conferedate Home:		
Support and Maintenance not otherwise provided for herein, provided none of this amount shall be used for the purchase of automobiles or for salaries.	\$ 22,000.00	
Furniture and beds.	1,500.00	
Four janitors and one night-watchman @ \$75.00 per month each.		\$ 4,500.00
To overhaul hospital building and heating system.	20,000.00	
Texas School for the Blind:		
Water, light and power.	\$ 400.00	
General repairs.	2,000.00	
State Hospital for Crippled Children:		
Support and Maintenance not otherwise provided for herein, provided none of this shall be used for the purchase of automobiles or for salaries.	\$ 3,400.00	
To pay additional expenses of operating heating systems at different institutions in the event it is found more economical to use coal instead of fuel oil, to be determined by the Board of Control, for fiscal year ending August 31st, 1921, as follows:		
State Orphan Home.		\$ 1,200.00
Juvenile Training School.		780.00
State Tuberculosis Sanitorium.		1,200.00
Lunatic Asylum.		3,000.00
Southwestern Insane Asylum.		3,000.00
North Texas Hospital for the Insane.		3,000.00
Deaf and Dumb Institute.		1,200.00
State School for the Blind.		1,200.00
Judiciary:		
To pay fees of County Judges, County Attorneys, Justices of the Peace, Sheriffs and Constables in examining trials.	\$ 7,500.00	
Fees and costs of Sheriffs, Attorneys, and clerks in felony cases.	89,000.00	
To pay salaries of Special District Judges.	3,500.00	
Land Office:		
Vellums and all paper, cloth and other materials necessary and incidental to the use and operation of the blue print machine, drafting material and supplies to be available for all departments of the State Government using the blue print machine.	\$ 4,000.00	
Telegraph, telephoning, telephones, towels and laundry.		75.00
BOARD OF CONTROL:		
Division of Public Printing:		
For 1st, 2nd and 3rd class printing and binding		

For the Fiscal Year Ending
Aug. 31, 1920 Aug. 31, 1921

and for printing papers of the 1st, 2nd and 3rd
class of public printing.....\$ 17,000.00

Division of Public Buildings and Grounds:

For extras and parts for typewriters and adding machines.	\$	150.00	
Fuel, water, light, gas, power, oil, waste and upkeep of elevator at and for State Office Building and for contingencies none of which shall be used for salaries.			2,000.00
For the purchase of electric light globes and electrical apparatus for entire Capitol and State Office Building.		200.00	
To purchase fire hose and fire extinguishers. . .		500.00	
Miscellaneous upkeep of San Jacinto State Park	500.00	\$	500.00

Live Stock Sanitary Commission:

Office supplies including office rent, stamps, stationery, printing, telegraph and telephone service, office furniture and fixtures and other necessary office expenses.	\$	500.00
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Department of State:

Books and stationery.	\$	1,200.00
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Board of Pardon Advisers:

Contingent expenses.	\$	677.63
Traveling expenses of the Board, exclusively for penitentiary investigations and other necessary investigations none of which shall be used for traveling outside the State of Texas.		201.62

Department of Agriculture:

Stationery, telegraph, postage, telephones and express.	\$	1,500.00
Collecting, compiling and disseminating agricultural information.		6,000.00
Traveling expenses of Director of the Division of Markets and his assistants, none of which shall be used for traveling outside of the State of Texas.		2,500.00

Railroad Commission:

Contingent expenses, sheriffs fees, necessary traveling expenses and transportation of Commissioner and employees none of which shall be used for traveling outside of the State of Texas; and for files, postage, stationery, books, telegraph and telephone, express charges and for printing blanks, maps, pamphlets, rulings, tariffs and for other necessary expenses.	\$	2,500.00
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State Library:

For additional assistants as needed.	\$	390.00
For arranging material.		250.00

Game, Fish and Oyster Commission:

Purchasing of boats and for repairs and permission to exchange old ones for new ones made necessary on account of damage by storm.	\$	10,000.00
To supplement salaries of the following employees in conformity with Senate Bill 107, Article 67, Acts of the Second Called Session of the Thirty-sixth Legislature:		

	For the Fiscal Year Ending	
	Aug. 31, 1920	Aug. 31, 1921
Captain Boat "Jim Duke".....	\$ 171.74	\$ 200.00
Captain Boat "Scout".....	171.74	200.00
Captain Boat "Ranger".....	171.74	200.00
Captain Boat "Reliance".....	171.74	200.00
Captain Boat "Ann Kaufman".....	171.74	200.00
Captain Boat "Uncle Lobe".....	171.74	200.00
Shore Deputy Houston.....	103.00	120.00
Shore Deputy Port O'Connor.....	103.00	120.00
Shore Deputy Rockport.....	103.00	120.00
Shore Deputy Corpus Christi.....	103.00	120.00

"All funds now contained in, or which may hereafter be added to the Special Game Fund during the fiscal years ending August 31st, 1920 and August 31st, 1921, be appropriated for use by the Game, Fish and Oyster Commissioner, to be expended by him in the enforcement of the game laws; in employing special deputies, and to supply means to enable such deputies to enforce the game laws; and also to be expended by the Game, Fish and Oyster Commissioner in the introduction, propagation and distribution in the State of wild game birds and wild game animals and quadrupeds, as outlined by Sections 34 and 35 of House Bill No. 457, which was passed by the Regular Session of the Thirty-sixth Legislature."

Industrial Accident Board.

Books, stationery, office supplies and printing...	\$ 700.00
Employment of physicians and expenses incident to examinations.....	200.00

Executive Office:

Payment of rewards, for the enforcing of the law, telegraphing, telephoning and for other purposes	\$ 5,400.00
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Attorney General's Department:

For the enforcement of the anti-trust, land, corporation and all other laws, civil and criminal, including the investigation, institution, prosecution and defense of all cases now pending or hereafter filed, including the cases of New Mexico vs. Texas, and Oklahoma and the United States vs. Texas, pending in the Supreme Court of the U. S. and of Texas vs. New Mexico, which may be filed, including costs of investigation and all other necessary expenses pertaining to all suits, claims and investigation, and including the cost and expense of employing experts, attorneys, court costs, and all expenses necessary in representing the interests of the State in the Courts and before the Interstate Commerce Commission to be available for the balance of the present fiscal year and fiscal year ending August 31st, 1921.....\$ 50,000.00

Reclamation Department:

For the purpose of making such surveys, maps, plats, photographs and investigation, profiles and reports of and concerning Red River as may be necessary for the defense and prosecu-

For the Fiscal Year Ending
Aug. 31, 1920 Aug. 31, 1921

tion of any suits by or against the State of Texas over or growing out of the boundaries of the State and for any suit by or against the State of Texas over water rights, which suit has been heretofore authorized by the Legislature; and for such purpose the State Reclamation Engineer and his department may use all employees, resources, supplies and instruments of said department and all appropriations made for such department that are consistent with the other duties of the department; and in addition may employ such engineers, experts, scientists, geologists, ecologists and laborers, and purchase such supplies; instruments, vehicles and materials as may be necessary; for such purpose the State Reclamation Engineer may also employ, if he so desires, any county surveyor of the State for doing engineering, surveying and drafting work and fix their compensation therefor without reference to the statute ordinarily governing the compensation of county surveyors; and for these various purposes, in addition to the sums of money heretofore appropriated to be available for balance of present fiscal year and for fiscal year ending August 31st, 1921, there is hereby appropriated out of any funds not otherwise appropriated.....\$ 40,000.00

Pure Food and Drug Department:

Traveling and other expenses in the discharge of official duties and in attending court as witnesses, for telegrams and telephone messages and for purchasing samples for analysis to be used as evidence not to exceed \$600.00 outside of the State.....\$ 2,500.00

Adjutant General's Department:

For pay, transportation, subsistence, and all other expenses of military forces of the State when ordered on duty or when mobilized or when recruiting and organizing troops or when ordered on other military duties; providing for the pay, transportation, and expense of officers on active duty or while serving on military courts and boards; providing for armory, stable and storage facilities of organizations; providing for training, organizing, mobilizing and subsistence, paying, equipping, preparing for muster into and out of Federal Service; providing for organizing, maintaining and equipping school of instruction for officers and enlisted men; providing for books and supplies; providing for necessary clerical assistance and labor in storage rooms, arsenals, armories and all headquarters including Divisional, Brigade and Regimental; providing for transportation of stores and supplies and laundry and repair of uniforms and equipment and for hire, purchase, transportation and subsistence of animals, and for printing, stationery, postage, telephoning, tele-

For the Fiscal Year Ending
Aug. 31, 1920 Aug. 31, 1921

graphing and for the purchase of stores, supplies, uniforms, arms and equipment for the National Guard of Texas.....\$ 55,000.00

\$745,707.69 \$ 23,360.00

Sec. 2. The fact that the appropriations heretofore made for the above items are exhausted or will become exhausted before the expiration of the time for which the same was appropriated creates an emergency and an imperative public necessity which justifies the suspension of the Constitutional Rule requiring bills to be read on three several days in each House, and the rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, June 9, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred House Bill No. 90, have had said bill under consideration, and I am directed by said committee to report said bill back to the Senate with the recommendation that it do not pass.

DEAN, Chairman.

(Minority Report)

Committee Room,
Austin, Texas, June 9, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: We, a minority of your Committee on Criminal Jurisprudence, having had House Bill No. 90 under consideration beg leave to report same back to the Senate with the recommendation that it do pass.

Respectfully submitted,
HALL.

Committee Room,
Austin, Texas, June 9, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Civil Jurisprudence have had under consideration

S. B. No. 26, A bill to be entitled "An Act to regulate the disposition of funds deposited or advanced for the use or rental of personal and movable property, and to protect such depositors, and declaring an emergency,"

And I am directed by said Committee to report said bill back to the Senate with the recommendation that it do pass with the following amendments:

(1) Amend the bill by inserting

in Section 1, line 3, between the words "delivered" and "kept" the word "temporarily."

(2) Amend the bill by inserting after the present Section 1, Section 2 to read as follows:

"Any person, firm or corporation violating the provisions of this act shall be subject to penalty of not more than five hundred dollars (\$500.00), to be recovered in any court of competent jurisdiction, such suit to be brought in the name of the State of Texas by any county or district attorney, and each day that such violation continues shall constitute a separate offense."

(3) Amend the bill by renumbering Section 2 so that it will be Section 3.

(4) Amend the caption by inserting before the emergency clause the following: "providing penalties."

DEAN, Chairman.

Committee Room,
Austin, Texas, June 9, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred Senate Bill No. 95, have had same under consideration and I am directed to report it favorably, with the recommendation that it do pass but be not printed.

ALDERDICE, Chairman.

Committee Room,
Austin, Texas, June 9, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred Senate Bill No. 94, have had same under consideration and I am directed to report it favorably, with the recommendation that it do pass but be not printed.

ALDERDICE, Chairman.

Committee Room,
Austin, Texas, June 9, 1920.
Hon. W. A. Johnson, President of the
Senate.

Sir: We, your Committee on Roads,
Bridges and Ferries, to whom was re-
ferred

H. B. No. 165, A bill to be entitled
"An Act to amend Sections 3 and 12
of Chapter 32 of the local and Special
Laws of the Regular Session of the
35th Legislature, as Section 3 thereof
was amended by Chapter 6 of the
Local and Special Laws of the Regular
Session of the 36th Legislature, so as
to give the Commissioners' Court au-
thority to regulate the pay of road
hands and teams; and to provide how
road hands and teams summoned to
work out their road duty may release
themselves from said duty, and declar-
ing an emergency."

Have had same under consideration
and we beg leave to report same back
to the Senate with the recommendation
that it do pass and that it be not
printed.

Woods, Chairman; Caldwell, Clark,
Page, Williford.

Committee Room,
Austin, Texas, June 9, 1920.
Hon. W. A. Johnson, President of the
Senate.

Sir: We, your Committee on Civil
Jurisprudence, to which was referred

S. B. No. 88, A bill to be entitled
"An Act to amend Article 637h of
Chapter 2, Title 18, Revised Civil
Statutes of Texas, 1911, as amended
by Section 1 of Chapter 203, Acts of
the Regular Session of the Thirty-fifth
Legislature, by adding thereto Article
637i; and declaring an emergency;"

Have had said bill under considera-
tion, and I am directed by said com-
mittee to report same back to the Sen-
ate with the recommendation that it
do pass, and be not printed, but be
printed in the Journal.

DEAN, Chairman.

Following is the bill in full:

S. B. No. 88. By Dayton.

A BILL
to be entitled
An Act to amend Article 637-h of
Chapter 2, Title 18, Revised Civil
Statutes of Texas, 1911, as
amended by Section 1 of Chapter
203, Acts of the Regular Session of
the Regular Session of the Thirty-
fifth Legislature, by adding there-
to Article 637-i; and declaring an
emergency.

Be it enacted by the Legislature of
the State of Texas:

Section 1. That there shall be ad-
ded to said Chapter of the Revised
Civil Statutes of 1911 a new article
to be designated as Article 637-i,
which shall read as follows:

Article 637i. Where any political
subdivision or defined district of any
county heretofore voted, or may here-
after vote, road bonds under author-
ity of this Chapter, or any amendment
thereto, or under authority of any
special county road law, the boun-
daries of such political subdivision or
defined district may be extended or
enlarged in the following manner:

(a) Whenever twenty-five, or a
majority, of the resident qualified
property taxpaying voters of any ter-
ritory adjoining the limits of such
political subdivision or defined dis-
trict, shall petition the commissioners
court, which said petition shall fully
describe by metes and bounds the ter-
ritory proposed to be annexed and
showing its location with reference to
the existing territory of such political
subdivision or defined district, such
court shall have the power, and it is
hereby made its duty, at any regular
or special session thereof, by order
duly entered upon its minutes, to re-
ceive such proposed territory as an
addition to such political subdivision
or defined district, a copy of which
order, containing a description of the
added territory, shall be filed for
record in the office of the county
clerk of the county in which such
political subdivision or defined dis-
trict is situated, after which the ter-
ritory so received shall be a part of
said political subdivision or defined
district; provided, however, that said
territory proposed to be added must
be contiguous to one line of such po-
litical subdivision or defined district,
and is not embraced within and does
not form a part of any other political
subdivision or defined district that
has issued road bonds which are out-
standing and unpaid.

(b) No bonded indebtedness out-
standing against any political subdivi-
sion or defined district to which any
territory is annexed under this Act
shall be extended to cover property in
the annexed territory without first
giving the taxpayers therein an op-
portunity to vote on the proposition;
and the manner of holding such elec-
tion shall be governed by the provi-
sions of this Chapter in the issuance

of bonds, except the purpose shall be substantially as follows:

"To determine whether or not \$..... road bonds bearing% interest issued by..... (giving the name or number of the political subdivision or defined district) shall be assumed by the territory hereinafter described and defined; (describe the boundaries of the annexed territory as described and defined in the order of the commissioners court annexing such territory to the political subdivision or defined district)".

(c) If at such election a two-thirds majority of the resident property taxpaying voters, voting at such election, in such annexed territory, shall vote in favor of assuming bonded indebtedness, the Commissioners Court shall thereafter levy and cause to be assessed and collected each year as long as such bonds are outstanding and unpaid, a tax on all taxable property within the political subdivision or defined district as enlarged by the annexation of such new territory, sufficient to provide the necessary interest on and sinking funds for such bonds.

Section 2. The provision of this Act shall apply to all counties having special road laws providing for the issuance of county special road bonds and road districts bonds under authority of Chapter 2, Title 18, Revised Civil Statutes of 1911, and all amendments thereto.

Section 3. Nothing in this Act shall be construed as invalidating any bond elections previously ordered or held within and for any county in this State or political subdivision or defined district of any county under the provisions of Chapter 2, Title 18, Revised Civil Statutes of 1911, and amendments thereto, or under authority of any special county road law.

Section 4. The importance of this legislation and the inadequacy of the present law in relation to the subject matter of this Act, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and said rule is suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

19—Senate.

Committee Room,
Austin, Texas, June 9, 1920.
Hon. W. A. Johnson, President of the Senate.

We, your Committee on Mining, Irrigation, and Drainage, have had before us Senate Bill No. 90, and beg leave to report same back with the recommendation that it do pass but that it do not be printed in bill form, but printed in the Journal.

Dudley, Chairman; Parr, Rector, Faust.

Following is the bill in full:

S. B. No. 90. By Bledsoe

A BILL
To Be Entitled

An Act fixing the fees to be charged by the State Board of Water Engineers upon the filing of application for permits for the storage, diversion and use of water limiting the maximum fees in the sum of Six Thousand Dollars, providing the time and terms of payment to be made in installments and providing for the fixing of the time for the commencing of construction work when the use of water contemplates the construction of a storage reservoir and the manner of extending the time limits thereon and the payment of fees therefor.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the fees to be paid for filing in the office of the State Board of Water Engineers, of applications for permits for the storage, diversion and use of water shall not exceed the sum of Six Thousand Dollars for any one such application, permit or project.

Section 2. The fees provided by law to be paid to the State Board of water Engineers upon application for permits for the storage, diversion and use of water for any and all statutory purposes when such fees exceed One Thousand Dollars shall be paid as follows:

"One-tenth shall be paid when the application is filed. One-tenth shall be paid within thirty days after notice is mailed the applicant that the permit is granted. The balance shall be paid before the use of water is commenced under the permit and a failure to so pay same shall annul such permit."

Section 3. Whenever the State Board of Water Engineers shall grant

a permit for the use of water which use contemplates the construction of a storage reservoir, they shall fix the time actual construction work shall be commenced thereon not to exceed two years from the granting of such permit and such time limit may be extended by order of said Board upon the payment of such fees as the said Board may fix not to exceed the sum of One Thousand Dollars.

Sec. 4. All laws in conflict with the provisions hereof are hereby repealed in so far as they conflict with the provisions hereof.

Sec. 5. The public importance of the purpose herein contemplated creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read upon three several days in each house, and the said rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Room.

Austin, Texas, June 9, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence have had under consideration

S. B. No. 97. A bill to be entitled "An Act to amend Articles 3881, 3882, 3883, 3889 and 3903 of the Revised Civil Statutes of the State of Texas of 1911, as amended by the Thirty-third Legislature at its Regular Session, Chapters 121 and 142, and as amended by Chapter 58 of the Regular Session of the Thirty-fifth Legislature, and as amended by Chapter 158 of the Regular Session of the Thirty-sixth Legislature; relating to the maximum amount of fees to be retained by district and county officers; the manner of accounting for excess fees and the payment of deficit amounts; the appointment and pay of deputies and assistants to the various district and county officers; prescribing the maximum salaries to be paid such deputies and assistants; providing for the appointment of two additional assistants by the district or county attorney in counties of 100,000 inhabitants; prescribing the maximum amount of salaries to be paid such additional assistants and the manner of such payment; providing for Seventy-five (\$75.00) dollars per month for necessary expense by such district and county attorney in counties of 100,000

inhabitants, and declaring an emergency."

And I am directed by said Committee to report said bill back to the Senate with the recommendation that it do pass, and be not printed but printed in the Journal.

FAUST, Vice-Chairman.

Following is the bill in full:

S. B. No. 97. By McNealus, Davidson
A BILL

To be entitled

An Act to amend Articles 3881, 3882, 3883, 3889 and 3903 of the revised Civil Statutes of the State of Texas of 1911, as amended by the Thirty-third Legislature at its Regular Session, Chapter 121 and Chapter 142 and as amended by Chapter 55 of Regular Session of the Thirty-fifth Legislature, and as amended by Chapter 158 of the Regular Session of the Thirty-sixth Legislature; relating to the maximum amount of fees to be retained by district and county officers; the manner of accounting for excess fees and for the payment of deficit amounts; the appointment and pay of deputies and assistants to the various district and county officers; prescribing the maximum salaries to be paid such deputies and assistants; and providing for the appointment of two additional assistants by the district or county attorney in counties of 100,000 inhabitants; prescribing the maximum amount of salaries to be paid such additional assistants and the manner of such payment; providing for seventy-five (\$75.00) dollars per month for necessary expense by such district or county attorneys in counties of 100,000 inhabitants; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Articles 3881, 3882, 3883, 3889 and 3903 of the Revised Civil Statutes of the State of Texas of Texas of 1911, as amended by Chapters 121 and 142 of the Regular Session of the Thirty-third Legislature, and as amended by Chapter 55 of the Regular Session of the Thirty-fifth Legislature, and as amended by Chapter 158 of the Regular Session of the Thirty-sixth Legislature, be amended so as to hereafter read as follows:

Article 3881. Hereinafter, the maximum amount of fees of all kinds that may be retained by any officer mentioned in this section (article) as com-

pensation for services shall be as follows:

County judge, an amount not exceeding thirty-four hundred and fifty dollars per annum; sheriff, an amount not exceeding thirty-nine hundred and fifty dollars per annum; clerk of the county court, an amount not exceeding thirty-four hundred and fifty dollars per annum; county attorney, an amount not exceeding thirty-four hundred and fifty dollars per annum; clerk of the district court, an amount not exceeding thirty-four hundred and fifty dollars per annum; collector of taxes, an amount not exceeding thirty-four hundred and fifty dollars per annum; assessor of taxes, an amount not exceeding thirty-four hundred and fifty dollars per annum; justices of the peace, an amount not exceeding thirty-two hundred dollars per annum; constable, an amount not exceeding thirty-two hundred dollars per annum; provided that this Act shall not apply to justices of the peace or constables except those holding offices in cities of more than twenty thousand inhabitants, to be determined by the last United States census.

Articles 3882. Maximum Fees in Certain Counties. In any county shown by the last United States census to contain as many as twenty-five thousand inhabitants the following amounts shall be allowed, viz:

County judge, an amount not exceeding thirty-seven hundred and fifty dollars per annum; sheriff, an amount not exceeding thirty-six hundred and fifty dollars per annum; clerk of the county court, an amount not exceeding thirty-six hundred and fifty dollars per annum; county attorney, an amount not exceeding thirty-six hundred and fifty dollars per annum; district attorney, an amount not exceeding thirty-seven hundred and fifty dollars per annum inclusive of the five hundred dollars allowed by the Constitution and paid by the State; clerk of the district court, an amount not exceeding thirty-six hundred and fifty dollars per annum; collector of taxes, an amount not exceeding thirty-six hundred and fifty dollars per annum; assessor of taxes, an amount not exceeding thirty-six hundred and fifty dollars per annum.

Article 3883. Maximum Fees in Counties Containing City of 25,000 Inhabitants, etc. In counties containing a city of over twenty-five thousand inhabitants, or, in such counties as shown by the last United States census, shall contain as many as thirty-eight thousand inhabitants, the fol-

lowing amounts of fees shall be allowed, viz:

County Judge, an amount not exceeding five thousand dollars per annum; sheriff, an amount not exceeding five thousand dollars per annum; clerk, of the county court, an amount not exceeding forty-two hundred and fifty dollars per annum; county attorney, an amount not exceeding five thousand dollars per annum; district attorney, an amount not exceeding six thousand dollars per annum; inclusive of the five hundred dollars allowed by the Constitution and paid by the State; clerk of the district court, an amount not exceeding forty-two hundred and fifty dollars per annum; assessor of taxes, an amount not exceeding forty-two hundred and fifty dollars per annum; provided, the compensation fixed herein for sheriffs and their deputies shall be exclusive of any rewards received for the apprehension of criminals or fugitives from justice.

Article 3889. Fees, How Disposed Of: Excess Fees, Etc. Each officer named in this chapter shall first, out of the fees of his office, pay or be paid, the amount allowed him, under the provisions of this chapter, together with the salaries of his assistants or deputies. If the fees of such office collected in any year be more than the amount needed to pay the amount allowed such officer and his assistants and deputies, same be deemed excess fees and shall be paid into the county treasury of such county.

Article 3903. Whenever any officer named in Articles 3881 to 3886 shall require the services of deputies or assistants in the performance of his duties, he shall apply to the county judge of his county for authority to appoint same; and the county judge shall issue an order authorizing the appointment of such a number of deputies or assistants as in his opinion may be necessary for the efficient performance of the duties of said office. The officer applying for appointment of a deputy or assistant, or deputies or assistants, shall make affidavit that they are necessary for the efficiency of the public service, and the county judge may require, in addition, a statement showing the need of such deputies or assistants; and in no case shall the county judge attempt to influence the appointment of any person as deputy or assistant in any office. And provided, further, that in counties having a population in excess of 100,000 the district attorney in the county of his

residence or the county attorney where there is not a district attorney shall be allowed by order of the commissioners court of the county where such official resides, as in the judgment of the commissioners court may be necessary to the proper administration of the duties of such office, not to exceed, however, the sum of seventy-five (\$75.00) dollars per month. Such amount as may be thus necessarily incurred shall be paid by the commissioners court upon the affidavit made by the district attorney or the county attorney showing the necessity of such expense and for what same was incurred. The commissioners court may also require any other evidence as in their opinion may be necessary to show the necessity of such expenditure, but they shall be the sole judge as to the necessity of such expenditure and their judgment allowing same shall be final. The maximum amount for deputies or assistants for their services shall be as follows, to-wit:

First assistant or chief deputy, a sum not to exceed a rate of fifteen hundred (\$1500.00) dollars per annum; others not to exceed a rate of twelve hundred (\$1200.00) dollars per annum. Provided, however, that in counties having a population of 37,500 to 100,000 inhabitants, the maximum salaries allowed for deputies or assistants for their services shall be as follows:

First assistant or chief deputy, a sum not to exceed a rate of twenty-one hundred (\$2100.00) dollars per annum; heads of each department not to exceed the sum of eighteen hundred (\$1800.00) dollars per annum; others not to exceed a rate of fifteen hundred (\$1500.00) dollars per annum.

Provided, however, that in counties having a population in excess of 100,000 inhabitants, as shown by the last scholastic census, the maximum salaries allowed for deputies or assistants for their services shall be as follows:

First assistant or chief deputy, a sum not to exceed a rate of twenty-four hundred (\$2400.00) dollars per annum; heads of each department not to exceed the sum of twenty-one hundred (\$2100.00) dollars per annum; others not to exceed a rate of eighteen hundred (\$1800.00) dollars per annum.

The county judge in issuing his order granting authority to appoint deputies or assistants shall state in such order the number of deputies or assistants authorized, but the amount of compensation to be allowed each deputy or assistant shall be

fixed by the officer requesting same, and shall be paid out of the fees of office to which said deputies or assistants may be appointed and shall not be included in estimating the maximum salaries of the officers named in Articles 3881 to 3886, such salaries to be paid out of the fees of the office in the following manner:

First, out of any current fees collected, and if such fees are not sufficient, then out of any delinquent fees collected and which are due the county after all legal deductions are made and lastly, if there be any balance remaining after the payment of the maximum salary due the officer and the salaries due the deputies, then such balance to be paid to the county treasurer.

Sec. 2. The fact that there is no law in this State authorizing officers of such counties to allow an increase of salaries of their clerks and deputies, and in view of the fact that such clerks and deputies are now forced to work for insufficient wages because of the increased cost of living, creates an emergency and an imperative public necessity and that the rule requiring bills to be read on three several days be suspended, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

SEVENTEENTH DAY.

Senate Chamber,
Austin, Texas,

Thursday, June 10, 1920.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Pro. Tem. A. C. Buchanan.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Hall.
Bailey.	Hopkins.
Bledsoe.	McNealus.
Buchanan of Bell.	Page.
Buchanan of Scurry.	Parr.
Caldwell.	Rector.
Clark.	Smith.
Cousins.	Strickland.
Dayton.	Sulter.
Dean.	Westbrook.
Dorough.	Williford.
Dudley.	Witt.
Faust.	Woods.
Floyd.	